

1937, ch. 123, sec. 549G.

643. Upon the passage and approval by the Governor of this sub-title it shall be the duty of the Secretary of State to certify a copy of this sub-title to the Executive Department of each of the States of the United States.

1937, ch. 123, sec. 2.

644. If any part of this sub-title is for any reason declared void, it is declared to be the intent of this sub-title that such invalidity shall not affect the validity of the remaining portions of this sub-title.

1937, ch. 123, sec. 3.

645. This Act may be cited as the Uniform Act on Fresh Pursuit.

Procedure—Indictments—Amendment.

An. Code, 1924, sec. 550. 1912, sec. 493. 1904, sec. 435. 1888, sec. 283. 1852, ch. 176, sec. 1.

646. Whenever the misnomer of any defendant or defendants is pleaded in abatement to any indictment in any of the courts of this State having criminal jurisdiction, it shall be lawful for the State's attorney prosecuting the same, or other person prosecuting for the State, on application to the court, to amend the said indictment by inserting in the place of the name or names so erroneously set forth in the said indictment the true name or names of such party or parties, as disclosed in the said plea of abatement, and it shall be the duty of the clerk of the court to endorse the amendment, and to enter the said case upon the docket of the court, according to the true name or names of the party or parties so indicted.

The name of a person in an indictment is a matter of substance, and cannot be changed without the consent of grand jury; this applies to Christian name as well as surname. This section provides for the misnomer of defendant, and is applicable only when such misnomer is pleaded in abatement. Objection properly presented by motion to quash. *Watts v. State*, 99 Md. 33.

Where the indictment described traverser as a free negress and at the trial it appeared that she was a slave, an appropriate amendment held not authorized under this section. *Negro Hammond v. State*, 14 Md. 147.

As to "Amendments at Law," see art. 75, sec. 39.

As to "Amendments in Equity," see art. 16, secs. 18 and 19.

Repeal of statute does not preclude actions or prosecution for penalty or liability already incurred—art. 1, sec. 3.

An. Code, 1924, sec. 551. 1912, sec. 494. 1904, sec. 436. 1888, sec. 284. 1852, ch. 176, sec. 2.

647. Whenever it shall appear after a jury is sworn on any indictment, in any of the courts of this State having criminal jurisdiction, that the name or names of any person or persons other than the defendant and defendants has or have been erroneously set forth in the said indictment, it shall be lawful for the State's attorney, or other person prosecuting for the State, on application to the court, to amend the said indictment according to the proof in the said cause; and it shall be the duty of the court in which such trial shall be had to proceed with the trial of the said indictment so amended, unless oath shall be made by the party or parties so charged that the said amendment or amendments has or have disclosed a fact or facts to him heretofore unknown, or that the immediate proceeding with the trial of the said indictment would tend to his prejudice; and in such case it shall be the duty of the court to discharge the jury sworn in the said case without a verdict, and to postpone the trial thereof for such reasonable time as the court shall determine; or in case the said in-